



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

Senator Richard H. Stuart, Chair
Delegate Luke E. Torian, Vice-Chair

Alan Gernhardt, Esq., Executive Director
Ashley Binns, Esq., Attorney
foiacouncil@dls.virginia.gov

Pocahontas Building ~ 900 East Main Street, Pocahontas Building, 8th Floor ~ Richmond, Virginia 23219
804-698-1810 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-698-1899 ~ <http://foiacouncil.dls.virginia.gov>



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
Tuesday, August 4, 2020 - 1:00 PM
Virtual Meeting

Please view this meeting on the Senate of Virginia Live Stream web page:
http://virginia-senate.granicus.com/ViewPublisher.php?view_id=3

SUGGESTED AGENDA
****ANNOTATED****

- 1. Call to Order, introduction of members.**
- 2. Election of Chair and Vice Chair.** *Elections for these positions were last held on April 4, 2018. Subsection D of Code § 30-178 states as follows: "The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position."*
- 3. Recap of FOIA and Related Access Bills from 2020 Session of General Assembly.**
- 4. Bills Referred to the FOIA Council:**
 - **HB 321 (Levine) Virginia Freedom of Information Act; electronic meetings; serious medical condition of immediate family member.** Allows a public body to conduct a meeting through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that he is unable to attend due to a serious medical condition of an immediate family member that prevents the member's physical attendance. The bill also limits such participation in an electronic meeting due to a personal

matter to either two meetings per calendar year or 10 percent of the meetings held that calendar year, rounded up to the nearest whole number, whichever is greater.

5. Assignment of Subcommittees.

- **Electronic Meetings Subcommittee** *It is suggested that the Council establish an Electronic Meetings Subcommittee to study HB 321 and any other issues concerning electronic meetings that the Council wishes to address.*
- **Continuation of 2019 Phishing Subcommittee** *Last year the Council was directed to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Freedom of Information Act (FOIA) request. The Subcommittee did not reach a conclusion last year but, with the concurrence of the Council, agreed to continue studying the relationship between phishing and FOIA this year. The Subcommittee last year consisted of Council members Bujakowski, Rives, King-Casey, Treadway, and Vucci.*

6. Discussion.

7. Other Business.

- Local Elected Officials FOIA Training. *Update.*

8. Public Comment.

9. Set Future Meeting Dates.

10. Adjournment.

Council Members

Senator Richard H. Stuart, Chair
Senator Mamie E. Locke
Sandra G. Treadway
Bruce Potter
Amigo Wade
Sterling Rives
William "Billy" Coleburn

Delegate Marcus B. Simon
Delegate William Wampler, III
Lee Bujakowski
Matthew Conrad
Shawri King-Casey
Michael Stern
Cullen Seltzer

Staff

Alan Gernhardt, Executive Director
Ashley Binns, Attorney

The FOIA Council's web site is: <http://foiacouncil.dls.virginia.gov>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by email to staff prior to meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.
E-mail: foiacouncil@dls.virginia.gov.